

REMARKS

Claims 31, 33-37, 39-47 and new Claims 48-51 are now in the case. Claims 37 and 48-51 recite the volatile alkaline material, per page 9, lines 20-25 and 32. Claims 31, 33 and 37 have been amended to recite the "about 0.4%" range of the surfactant. Basis is at page 7, line 10. The claims have also been amended to recite the parameters of the superabsorbent. Basis is at page 11, discussed below.

All amendments are fully supported and entry is requested. A sheet entitled "**Version with markings to show changes made**" is attached.

REJECTIONS UNDER 35 USC 112

The Examiner has given a new matter rejection with regard to the "about 0.25% to about 4.0% by weight" solvent recitation in claims 39, 42 and 45. Full basis for this recitation appears at page 2 of the specification, line 23. Reconsideration and withdrawal of the rejection are therefore requested.

With regard to the rejection based on the term "superabsorbent", Applicants contend that the term is well-understood in the art. However, solely to speed prosecution, that term is now defined in the claims in the manner suggested by the Examiner at page 5 of the Office Action of 9/18/02. Basis is at page 11, line 14. Withdrawal of the rejection is therefore requested.

With respect to the term "cleaning effective amount", it is noted that the Examiner has continued the objection, previously made, regarding the term "effective amount". The Examiner previously asserted that the term fails to state the function which is to be rendered effective. (O.A. 1/31/02, at page 5.) Since the term has been clarified by the modifier "cleaning" (response 7/25/02), it is submitted that it fully meets the requirements of the *Frederiksen* case cited by the Examiner.

In this regard, the Examiner's attention is directed to MPEP 2173.05 (c) and case law cited therein. It is submitted that one of skill in the art could readily select an amount of the present composition that is effective for cleaning. Of course, the amount will vary, depending on the level of soiling of the surface being cleaned. However, once the composition and device are established, the determination of "cleaning effective" usage

levels appropriate to the task at hand would be routine for the user. Accordingly, withdrawal of the rejection on this basis is requested.

### REJECTIONS UNDER 35 USC 103

All claims stand rejected under 35 USC 103 over GB 1,357,323 in view of U.S. 5,522,110, for reasons of record. Applicants respectfully traverse the rejections on this basis, to the extent they may apply to the amended and NEW claims presented herewith.

Before turning to the specific grounds of rejection, it may be useful to consider the distinctive features of the present invention.

The claimed invention is directed to cleaning and employs a pad, or other device containing a superabsorbent material, used in conjunction with a detergent composition having a defined level of surfactants and, in a preferred embodiment, a defined source of alkalinity.

In the specification, page 1 penultimate paragraph, the need for careful formulation of the detergent composition for use with the superabsorbent material is disclosed. At page 6, last paragraph, the problem of overloading the superabsorbent caused by too much detergent surfactant is described.

Accordingly, it is clear that Applicants herein have discovered a problem, i.e., superabsorbent overload, that is nowhere disclosed or suggested in the references of record.

Having discovered that the overload problem exists, Applicants discovered that it is caused by the presence of too much detergent surfactant in the cleaning solutions. Then, they discovered a non-problematic, yet cleaning-effective, level of surfactant that could be used with the superabsorbent, thereby solving the problem.

As the Examiner is aware from case law cited at MPEP 2141.02, “[A] patentable invention may lie in the discovery of the source of a problem even though the remedy may be obvious once the source of the problem is identified.” This is part of the “subject matter as a whole” test under 35 USC 103.

Moreover, is it basic patent law that a prior art reference under §103 must teach or suggest all the claim limitations, with a reasonable expectation of success. The teaching or suggestion to make the claimed combination and the reasonable expectation of success

must both be found in the prior art, not in the applicant's disclosure. *In re Vaeck*, 947 F. 2d 488, U.S.P.Q. 2d 1438 (Fed Cir. 1991).

Turning then to GB 1,357,323, one finds no disclosure whatsoever regarding the use of superabsorbent materials in mopping or wiping operations. Clearly, the '323 patentees did not contemplate the superabsorbent overload problem discovered and solved by Applicants herein.

Moreover, the minimum amount of surface active agent disclosed in the compositions of '323 is 0.5% (page 1, Col. 2, l. 95), whereas the present claims, as amended herewith, call for the use of about 0.4% surfactant as the maximum. This, as noted above, is to overcome the overload problem.

Finally, the '323 patent repeatedly describes the use of "alkaline inorganic salts" to adjust the pH to the desired range. (See, page 1, Col. 2, l. 69; page 2, Col. 1, l. 10; and Claims 1 and 6.) In sharp contrast, volatile organic alkaline agents are employed in the most preferred kits and processes herein, per Claims 37 and 48-51. Nothing in '323 in any way suggests the use of such materials.

It is further submitted that U.S. 5,522,110 adds nothing to GB '323 regarding the present invention. The '110 patent relates to sponge mops which comprise a brush-like scrubber. The sponge and brush appear to be conventional, and are not made from superabsorbent materials. While '110 mentions (Col. 1, l. 27) the use of a liquid detergent and water, no compositional requirements or limits are suggested.

In short, it is submitted that nothing in '110, alone or in combination with GB '323, suggests the problem discovered by Applicants herein, much less its solution. Accordingly, this combination does not suggest the present invention in the sense of §103.

In light of the clear requirements of MPEP 2141.02 and the controlling case law, and in view of the amendments presented herewith, it is submitted that all claims now in the case are in condition for allowance. Early and favorable action is requested.

Respectfully submitted,



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(AMENDMENT.DOC)  
(Revised 5/21/02)

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

31. (Twice amended) A kit comprising an implement, a pad containing superabsorbent material having a capacity for water of at least about 15g/g when measured under a confining pressure of 0.3 psi, and a detergent composition containing no more than about [0.5%] 0.4% by weight of detergent surfactant[;], less than about 5.0% by weight of a solvent and having a pH of more than about 9.

33. (Twice amended) A process of cleaning a surface, said process comprising the steps of: applying a cleaning effective amount of a detergent composition to said surface, said detergent composition containing no more than about [0.5%] 0.4% by weight of detergent surfactant, [;] less than about 5.0% by weight of a solvent and having a pH of more than about 9; and wiping said surface with an absorbent structure comprising a superabsorbent material having a capacity for water of at least about 15g/g when measured under a confining pressure of 0.3 psi, such that said composition is absorbed by said absorbent structure.

37. (Twice amended) A process of cleaning a surface, said process comprising the steps of: applying a cleaning effective amount of a detergent composition to said surface, said detergent composition containing no more than about [0.5%] 0.4% by weight of detergent surfactant[; less than about 5.0% by weight of a solvent] and having a pH of more than about 9, said pH being provided by 2-amino-2-methylpropanol; and wiping said surface with [a device selected from the group consisting of string mop, sponge mop, strip mop and floor cloth] an absorbent structure comprising a superabsorbent material having a capacity for water of at least 15 g/g when measured under a confining pressure of 0.3 psi, such that said composition is absorbed by said absorbent structure [device].